IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 2102 of 2005

Between:

M.Malla Reddy, S/o.Saida Reddy,
R/o.13-8-40, Gunturvari Thota,
Guntur, Guntur Dist.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Guntur Region, Guntur Dist.
2 The Depot Manager, APSRTC, Macherla Bus Depot, Guntur District.
3 The Depot Manager, APSRTC, Guntur-I Bus, Depot, Guntur Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the 2nd Respondent in issuing the proceedings No.P4/2 (1)/98-MCL, dated 14-5-1999 as illegal, arbitrary and unjust and consequently set aside the proceedings, No.P4/2, (1)/98-MCL, dated 14-5-1999 issued by the 2nd respondent.

Counsel for the Petitioner:MR.PEETARAMAN

Counsel for the Respondents: MR.R.N.REDDY, SC FOR APSRTC

The Court made the following :

ORDER:

Heard both the counsel.

The petitioner questions the order dated 14-05-1999 imposing punishment of postponement of annual increment for a period of one year which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This Court in S.K.MASTAN V. MANAGING DIRECTOR, APSRTC held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondents have no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year which shall not have the effect of postponing the future increments. However, the petitioner is not entitled to any other monetary benefits. No costs.

09.02.2005

VGB

To

1. The Regional Manager, APSRTC, Guntur Region, Guntur Dist.
2. The Depot Manager, APSRTC, Macherla Bus Depot, Guntur Dist.
3. The Depot Manager, APSRTC, Guntur-I Bus Depot, Guntur Dist.

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